

Testimony of

Gretchen Birkle

Acting Principal Deputy Assistant Secretary
Bureau of Democracy, Human Rights and Labor
Department of State

Before the

House Committee on International Relations
Subcommittee on Africa, Global Human Rights and International Operations

July 21, 2005

Mr. Chairman, Members of the Committee, thank you for continuing to focus the spotlight of international attention on China's poor human rights record by holding this important hearing on the human rights situation in China, and the continued persecution of the Falun Gong. I am very pleased to have this opportunity to provide you with the Department's assessment of China's record on human rights and religious freedom. I would also like to briefly discuss some of the steps the Department is taking to promote increased respect in China for international human rights standards and democratic principles. We seek to encourage China ultimately to travel the path to freedom, democracy, and free enterprise.

Although enormous economic and social progress has taken place in China over the past 20 years, political reform has lagged far behind and the repression of citizens seeking to exercise their internationally-recognized fundamental freedoms continues to be a systemic problem. Hopes that the pace of political reform would quicken and opportunities for public discourse would expand when the fourth generation of leaders, led by President Hu Jintao, came into power to date have not been realized. Although the leadership has demonstrated concern for the rapidly growing economic inequalities between China's urban and rural areas, the need for social safety networks, and somewhat greater transparency and

accountability in its actions, often those citizens who call attention to systemic problems become targets of government repression.

In our 2004 Country Reports on Human Rights Practices, released in February, we once again concluded that China's human rights record remained poor and the Government continued to commit numerous and serious human rights abuses, including torture, mistreatment of prisoners, incommunicado detention, and denial of due process. We noted Chinese authorities remained quick to suppress religious, political and social groups that they perceived as threatening to government authority or national stability, and that the space for public discourse contracted. Leaders, continued to resist opening up the political system, a step that would expose problems wrought by the Party's policies. They proclaim "stability and social order" as a top priority, often at the expense of basic human rights and freedom, as a means to perpetuate the rule of the Chinese Communist Party.

Laws and regulations remain overly broad and arbitrarily enforced and it is difficult for citizens seeking to express peacefully their political or religious views to ascertain the line between the permissible and the illegal. Throughout the year, the Government prosecuted individuals who miscalculated and went over the line as defined by the Government,

charging them with subversion, loosely defined “state secrets” crimes, and other crimes.

The Government also severely restricted freedom of assembly and association and increased the repression of members of unregistered religious groups in some parts of the country. Some religious groups, which have not registered, have been labeled cults and banned by the Government. The Government continued to deny internationally-recognized worker rights; forced labor in prison facilities remained a serious problem. And violence against women continued to be a problem, including the imposition of a coercive birth limitation policy that resulted in some instances of forced abortion and forced sterilization in parts of China.

The Government also has at times used the global war on terror as a pretext for cracking down on Uighur Muslims, who peacefully expressed dissent or sought to practice their faith, and on independent Muslim religious leaders. Where there are genuine terrorist activities, the U.S. certainly supports measures to address them, but where the evidence is lacking, the U.S. calls on China to not equate disagreement with terror. China must draw a bright line between legitimate non-violent dissent and terrorism.

In Tibet, the authorities permit many traditional religious practices and public manifestations of belief; however, activities perceived by the

Government to be vehicles for political dissent, such as religious activities considered to be advocating Tibetan independence or any form of separatism, were not tolerated by authorities. Restrictions on religious practice and places of worship continued and the level of repression in Tibet remained high.

Many citizens who openly expressed dissenting political views were harassed, detained or imprisoned, and, in a particularly discouraging development in late 2004, Chinese authorities, at the direction of the top leadership, launched a campaign that targeted writers, religious activists, political dissidents, and petitioners to the Central Government. Many of those who paid a high price in this campaign were those who sought to publish information or express their political views in the media or on the Internet.

Some of the harshest treatment meted out by China's criminal and administrative justice system has been directed against practitioners of the Falun Gong, who have been the target of a harsh government-wide crackdown since the spiritual movement was banned in China in July 1999 as an "evil cult." Under Article 300 of the Criminal Law, "cult" members who "disrupt public order" or distribute publications may be sentenced to 3-7 years in prison, while "cult" leaders and recruiters may be sentenced to 7

or more years in prison. What is and is not a cult is determined by Government authorities, based on no discernible criteria other than the Government's desire to maintain control.

At the National People's Congress session in March 2004, Premier Wen Jiabao's (WHEN JA BOW's) Government Work Report emphasized that the Government would "expand and deepen its battle against cults" including the Falun Gong. During the past year, thousands of individuals continued to be subjected to arrest or detention and some were incarcerated in psychiatric facilities. Overall, more than 100,000 practitioners have been detained since 1999 not only for engaging in Falun Gong practices but also for merely admitting that they adhere to the teaching of Falun Gong or refusing to criticize the organizer and founder, Li Hongzhi (LEE HONG JER).

Mere belief in the practices of Falun Gong, even without public expression of its tenets, is sufficient grounds for practitioners to receive punishments ranging from loss of employment, mandatory anti-Falun Gong study sessions designed to force practitioners to renounce the Falun Gong, to imprisonment. The reeducation-through-labor (RTL) system is regularly used to incarcerate Falun Gong practitioners. Some international observers believe that at least half of the 250,000 officially recorded inmates

administratively sentenced to the country's reeducation-through-labor camps are Falun Gong adherents. After release from RTL camps, hundreds of Falun Gong adherents who have refused to recant their beliefs continue to be held in legal education centers, another form of administrative detention. Falun Gong cases are often handled outside normal legal procedures by a special Ministry of Justice office, known as the 610 office. During the past year the 610 office was implicated in many allegations of abuse.

As a result of the Government's campaign against the group, during the past year very few Falun Gong activities were conducted publicly within the country. But Falun Gong practitioners outside of China continued their efforts to focus international attention on the plight of fellow practitioners in China.

Clearly, these human rights abuses, which are spelled out in much greater detail in the annual *Country Report on Human Rights Practices* and the *International Religious Freedom Report* are systematic. Although a genuine transformation of China and its political system can only be realized by the Chinese themselves, it is in the interest of the United States, and the international community, to continue to encourage China to reform its system and to increase its respect for human rights.

The State Department's approach is based on two basic principles: that international pressure can over time encourage China to take steps to bring its human rights practices into compliance with international standards and that there are opportunities to support those within China who see structural reform in China's best interests.

While it is not enough, we have seen some movement, which we are watching closely. Using the prospect of introducing a China resolution at this year's session of the UN Commission on Human Rights, we were able to secure the release of Rebiya Kadeer and gain China's agreement to take several positive steps including: giving prisoners convicted of political crimes the same right to sentence reductions and paroles that are available to other prisoners, agreeing to host a visit by the Special Rapporteur on Torture, issuing a public statement that clarifies that religious education of minors is consistent with Chinese law and policy, agreeing to open an ICRC office by the end of July 2005, issuing an invitation to the Special Rapporteur on Religious Intolerance and agreeing to host a visit by the US Commission on International Religious Freedom.

The Report, Supporting Human Rights and Democracy: The U.S. Record 2004-2005, released earlier this year, highlights some of our bilateral diplomatic efforts, multilateral actions, and rule of law programs. The

report notes that President Bush and Secretary of State Rice raise human rights issues and individual cases in public remarks and in private meetings with senior-level Chinese officials. Most recently, Secretary Rice raised human rights issues, including the need for prisoner releases, in Beijing during her July 10 trip.

Other U.S. officials --in Washington and at our missions in China—also consistently highlight, publicly and privately, the need for systemic reforms and improvements in human rights conditions as well as the need for the release of prisoners of conscience.

We call on China to honor its international commitments and its own constitution in respecting religious freedom and again designated China as a Country of Particular Concern for particularly severe violations of religious freedom. We continued to urge that Falun Gong practitioners be accorded their basic rights to freedom of conscience and assembly.

We are expanding our coordination with our allies who are engaging China on human rights issues through our participation in the Bern Process meetings of China's Human Rights Dialogue partners.

And we are supporting activities in China to address some of its systemic problems, including forming the judicial system, improving public participation, and strengthening civil society.

In FY 2004, the Bureau of Democracy, Human Rights and Labor spent \$13.5 million to support these programs. In 2005, we will program an additional \$19 million. Last year we funded 18 Human Rights and Democracy Fund projects for China, including training for criminal defense and labor lawyers, and strengthening public hearings and other mechanisms to encourage public participation. The U.S. Embassy also awards small grants to members of China's NGO movement in support of democratic values.

This coming year, we will place priority on funding capacity building projects for NGOs, rights awareness for rural residents, labor rights protection for migrant workers and training to strengthen public participation in governance, to name just a few. We are also promoting China's compliance with international labor standards.

It is our conviction, as President Bush has repeatedly said, that the calling of our country is to advance freedom, support the allies of liberty everywhere, and help others create the kind of society that protects the rights of the individual and thus promotes the common good. China is no exception to these goals. Supporting freedom and democracy is a cornerstone of U.S. foreign policy, and indispensable to our hopes of creating a more secure and peaceful world.

Thank you very much for holding this hearing and calling attention to continuing human rights abuses in China, particularly the repression and imprisonment of those courageous citizens who only seek to freely manifest their beliefs peacefully. The Administration wants to work closely with Congress to advance human rights and religious freedom in China.